

By: Creighton

S.B. No. 16

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the exercise of eminent domain authority by the Texas  
3 Facilities Commission to build a wall along this state's  
4 international border.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter L, Chapter 2166, Government Code, is  
7 amended by adding Section 2166.555 to read as follows:

8 Sec. 2166.555. INTERNATIONAL BORDER WALL. (a) The  
9 commission may exercise the power of eminent domain under Section  
10 2166.055 to acquire an interest in real property for the  
11 construction, extension, improvement, or development of a wall  
12 along this state's international border for the purposes of  
13 preventing:

14 (1) human trafficking; and

15 (2) illegal entry into the United States of:

16 (A) aliens without official approval of an  
17 appropriate federal governmental authority;

18 (B) terrorists and instruments of terrorism; and

19 (C) contraband, including narcotics and other  
20 controlled substances.

21 (b) The commission may exercise the power of eminent domain  
22 under Subsection (a) to acquire:

23 (1) land in fee simple; or

24 (2) any interest less than fee simple in, on, under, or

1 above land, including an easement, right-of-way, or right of use of  
2 airspace or subsurface space.

3 (c) The commission must adopt a resolution in accordance  
4 with Section 2206.053 before filing a condemnation petition under  
5 Chapter 21, Property Code, to exercise the power of eminent domain  
6 under this section.

7 (d) The resolution required by Subsection (c):

8 (1) must include a statement that the commission's  
9 acquisition of the property interest described in the resolution:

10 (A) is a public necessity; and

11 (B) is necessary and proper for the construction,  
12 extension, improvement, or development of a wall along this state's  
13 international border and is in the public interest; and

14 (2) is conclusive evidence of the public necessity of  
15 the proposed acquisition and that the property interest is  
16 necessary for public use.

17 SECTION 2. This Act takes effect September 1, 2023.